

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

ANTHONY FRED MARTIN,) Civil Action No.: 4:15-cv-4947-DCN-TER
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Plaintiff,)
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-vs-)
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SUSAN DUFFY,)
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Defendant.)
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ORDER

Plaintiff, who is proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights by Defendant. Presently before the court is Plaintiff's Motion for Investigation (ECF No. 42). All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d), DSC.

Plaintiff asserts that he was attacked by a "dozen or so" gang members on October 11, 2016, while housed in at the Broad River Correctional Facility. He asserts that another inmate told him that Defendant Duffy "had set up a website that offered a (2) two million dollar bounty for [Plaintiff's] demise and that his gang was hired to do the hit." Plaintiff asserts that an investigation is warranted under 18 U.S.C. § 1512(a)(2) and asks the court to move him to a safer environment.

As an initial matter, since Plaintiff filed his motion, he was transferred to another facility. See Notice of Change of Address (ECF No. 43). Therefore, his request for a transfer is moot.

Section 1512(a)(2) of Title 18 makes it a criminal offense to use physical force or the threat of physical force to intimidate a witness in an official proceeding. Plaintiff's request for an investigation is not properly before the court within this civil action. See, e.g., Hamrick v. Gottlieb, 416 F.Supp.2d 1, 4-5 (D.D.C. 2005) (no private right of action under 18 U.S.C. § 1512).

For these reasons, Plaintiff's Motion is **DENIED**.

IT IS SO ORDERED.

s/Thomas E. Rogers, III

Thomas E. Rogers, III
United States Magistrate Judge

February 14, 2018
Florence, South Carolina